IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 25347 of 2004

Between:

Sri G. Sasi Kiran, S/o. Late G. Bhaskar,
Hindu, R/o. 132, Lakshmi Srinivasa Nagar,
Tirupathi, Chittoor District.

..... PETITIONER

AND

1. The Government of Andhra Pradesh, Rep by Secretary (Services), Secretariat, AP, Hyderabad.
2. The Tirumala Tirupathi Devasthanams, Rep by its Executive Officer, K.T. Road, Tirupati, Chittoor District.
3. The Joint Executive Officer, Tirumala Tirupati Devasthanams, K.T. Road, Tirupathi, Chittoor District.
4. Smt. U. Vanaja, W/o. Late G. Bhaskar,
Hindu, R/o. H.No. 301, Meghana Residency,
Balajinagar, Tirupati, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, direction, order or orders more particularly one in the nature of writ of mandamus declaring the action of the respondents in not considering the petitioner's case for employment in the respondents organization on compassionate ground is illegal, arbitrary, malafide and contrary to Art. 14 & 16 of the constitution of India and violative of principles of natural justice and consequentially direct the respondents to consider the petitioner's case for appointment in the respondents organization in any suitable post as per his qualification in the interest of justice and pass such other order or orders

Counsel for the Petitioner:MR.CH.B.R.P. SEKHAR

Counsel for the Respondent No.1: GP FOR SERVICES I

Counsel for the Respondent No.2 and 3:MR.A.K.JAYA PRAKASH RAO

Counsel for the Respondent No.4:

The Court at the admission stage made the following Order:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not considering the case of the petitioner for appointment in the respondent-Organisation on compassionate grounds as illegal and arbitrary.

Learned counsel for the petitioner submitted that though the petitioner made representations on 08.05.2002 and 06.01.2004 to the second respondent to consider his case on compassionate grounds, but no order has been communicated to him and hence, he prays to direct the respondents to consider his case on compassionate grounds.

On the other hand, learned Government Pleader appearing for the respondents submitted that the case of the petitioner has already been considered and rejected by proceedings dated 19.12.2002. He further submitted that the alternative remedy is only to challenge the proceedings dated 19.12.2002.

The facts are not in dispute. The petitioner made representations on 08.05.2002 and 06.01.2004 seeking appointment under compassionate grounds. The second respondent vide proceedings dated 19.12.2002 rejected the request of the petitioner for compassionate appointment in view of G.O.Ms.No.687, Gen.Admn, (Ser.A) Department dated 03.10.1977 on the ground that the mother of the petitioner is a Government Servant. Once the case of the petitioner has already been considered, question of considering his case again does not arise. As seen from the proceedings dated 19.12.2002, the rejection order has not been communicated to the petitioner, but it was communicated to the mother of the petitioner. The petitioner submits that he was living separately. Therefore, he seeks for necessary directions.

In the aforementioned circumstances, I deem it appropriate to dispose of the

writ petition giving liberty to the petitioner to challenge the proceedings dated 19.12.2002.

Accordingly, the writ petition is disposed of. No costs.

19.01.2005

usd

To

1. The Secretary (Services), Government of Andhra Pradesh, , Secretariat, AP, Hyderabad.
2. The Executive Officer, Tirumala Tirupathi Devasthanams, K.T. Road, Tirupati, Chittoor District.
3. The Joint Executive Officer, Tirumala Tirupati Devasthanams, K.T. Road, Tirupathi, Chittoor District.
4. Two CCs to G.P. for Services-I, A.P.High Court Buildings, Hyderabad (OUT).
5. Two CD copies.